

## REMARKS

Restriction-Not! With respect to the restriction requirement, counsel for applicants does not accept the Examiner's theoretical argument about the ability to use the process to make an article without fasteners. The article without fasteners would merely constitute a plurality of layers of fibreglass, unconnected to each other and which independent layers would be difficult to maintain in an erect disposition.

Furthermore, due to the fact that bullet resistance is keyed to delamination of the fibreglass layers, the air gap between unattached layers would tend to devalue the product's ability to resist bullet impact. Therefore, it is argued that groups I and II should be kept as one invention without a restriction.

If the rejections are retained, the unelected claims would be canceled at the time of allowance.

The commentary of what the Examiner recites is the content of column 3 lines 46-49 of the KLEIN patent is truly erroneous. KLEIN never addresses the issue of achieving a higher level of protection from projectiles.

Upon reading col. 3 of KLEIN, in the area of col. 3 lines 32-59, it is seen that the thrust of the invention pertains to impact dissipation by body armour. The offset discussed pertains to the dissipation to achieve hinging as the article in the patent is body armour. Contrast FIGURE 4 with FIGURE 5 and direction arrow 28. If all panels 16 & 18 were aligned, then the armour could not be spread around the body as in FIGURE 4, such that when a bullet impacts the armour, it straightens or flattens to achieve the FIGURE 5 configuration. Note how fibreglass is never discussed, only KEVLAR®.

This rejection should be withdrawn.

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Further to the concepts of the rejection as opposed to the art, first the recognition of the fact that the staggering of the layers prevents a bullet form going through a seam area is not shown in KLEIN. The staggering in KLEIN was for another purpose, namely to achieve the hinge ability of the body armour. It was applicants who recognized the staggering principle of bullet resistance, at seam areas.

Next, the dismissal of applicants' 1+1=3 principle as obvious is deemed by counsel to be erroneous and an oversimplification of the situation. Even the Examiner has stated that the "prior art" does not show the ability to achieve higher levels of U.L. ballistic protection from the sequential placement of lower level 1, 2, and 3 ballistic resistant sheets.

The Examiner is asked to recognize that two separate principles are involved. First, the sequencing to achieve the higher level of protection. Second, the extra protection from the

staggered placement of the sequential lower level sheets.

The sequencing to achieve a higher level of protection provides several economic benefits.

1. Easier installation as true level 6, 7, and 8, 4'x8' sheets are extremely heavy requiring multi person crews for installation, whereas lower level 1, 2, and 3 sheets can be handled by a two-person crew.

2. Inventory reduction, -since higher protection levels are achievable using level 1, 2, and 3 material, which is much more easily available in the marketplace, space is saved by the vendor and shipping costs are significantly reduced.

The rejection of claims 8-10 as unpatentable over the admitted "prior art", in view of KLEIN and DICKSON 5,851,932 should be withdrawn. The discussion set forth *supra* is reiterated here with respect to KLEIN.

The Examiner states and I quote, "*DICKSON teaches that using two different levels of ballistic protection provide an improved ballistic laminate at a lower cost for the purpose of providing a higher level of protection.*" The Examiner's, reading of the cited passage of col. 1 lines 15-38, simply does not recite this nor lead to such a conclusion.

DICKSON in col. 1 talks about eggplant and squash; that is type E fibreglass and type S fibreglass, the difference being density and other physical. Applicants, on the other hand, are dealing with plums. In applicant's situation the same type of fibreglass and some resin are used at all levels of protection. The difference in ballistic protection comes from the number of layers employed in the ultimate sheet or panel of fibreglass.

An oversimplified analogy would be the setting of the cheese slicer to achieve different thicknesses of American or Swiss cheese slices. Some people want  $\frac{1}{4}$ " thick slices, others want paper thin slices. But either way, it is still the same cheese.

It is deemed that the DICKSON patent is inapplicable as the principles recited are unrelated to the discoveries of the applicants, therefore this rejection should be withdrawn.

It is believed that all issues have been addressed and such the case should be passed to issue. If there are any minor issues unseen by Counsel, the Examiner is asked to contact the undersigned in California at 916-485-5000 to attempt to resolve them telephonically.

Respectfully submitted

Mark C. Jacobs

**Attorney for Applicant(s)**

Reg. No. 24043